

REMARKS

Claims 1-11 are now pending, with claim 1 being the sole independent claim. No amendments to the claims have been made. Reconsideration of the above-identified application is respectfully requested.

Claims 1-11 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,106,277 ("*Tuckey*") in view of U.S. Patent No. 5,121,021 ("*Ward*"). Withdrawal of this rejection is deemed to be in order.

Independent claim 1 was previously amended to recite "wherein the electric motor stator ring and the magnet shells comprise a single-piece body formed entirely from a same material". The combination of *Tuckey* and *Ward* fails to achieve this expressly recited limitation.

The Examiner (at pg. 4 of the Final Office Action) acknowledges that *Tuckey* fails to teach or suggest the specific detail of a one-piece body comprising the stator ring (30) and the magnet shells (32), and cites *Ward* to cure this deficiency of *Tuckey*. According to the Examiner, *Ward* discloses the "final remaining element missing from that of the primary *Tuckey* reference". Applicants disagree.

According to the Examiner, "it would have been obvious to one having ordinary level of skill in the art at the time the invention was made [to] integrate the magnets with the stator (like *Ward*'s integration of the stator with the casing), since it has been held that forming in one piece an article which has formerly been formed in two pieces involves only routine skill in the art. *Howard v Detroit Stove Work*, 150 U.S. 164".

The Examiner cites an old Supreme Court decision to support the assertion that the skilled person would have known to integrate the stator ring and adjoining magnet shells in order to achieve a single-piece body, i.e., *Howard v. Detroit Stove Works*. However, the cited case is

The Examiner cites an old Supreme Court decision to support the assertion that the skilled person would have known to integrate the stator ring and adjoining magnet shells in order to achieve a single-piece body, i.e., *Howard v. Detroit Stove Works*. However, the cited case is improper because *Detroit Stove Works* has all to do with riveting together multiple pieces of a stove that are formed from the same material.

The claimed invention replaces components that are formed from different materials with a single-one piece component which is formed entirely from the same material. Moreover, the components of the claimed fuel feed unit that are formed into a single-piece body have different functions. That is, the claimed electric motor stator ring and the magnet shells each have different functions. These components are manufactured from the same material (see, e.g., dependent claim 2). There is no teaching or suggestion in *Ward* of applicants' claimed components which are arranged in a single-piece body that is made of the same material. That is, there is no teaching or suggestion in *Ward* with respect to an electric motor stator ring and the motor casing that comprise a single-piece body.

The Examiner (at pg. 4) asserts that "the composite frame material [of *Ward*] is a magnetic material and, accordingly forms a flux path for flux developed by permanent magnets" based on the teachings of *Ward* at col. 5, lines 37-39. However, even assuming *arguendo* that the teachings of *Ward* at col. 5, lines 37-39 are applicable to *Tuckey* – which in any event applicants dispute – *Ward* nevertheless fails to teach or suggest applicants' claimed feature, i.e., "wherein the electric motor stator ring and the magnet shells comprise a single-piece body formed as a single piece of a single material", as recited in independent claim 1. Fig. 1 of *Ward* clearly shows that the permanent magnets, i.e., magnet shells, are separate and distinct from the composite material for the frame 12. Moreover, the skilled person has no reason to modify the *Ward* structure to include the recited

limitation of independent claim 1 such that the frame 12 and the permanent magnets 14 would be included in a single piece of a single material, absent an impermissible hindsight construction based on applicants' instant disclosure.

The combination of *Tuckey* and *Ward* thus fails to achieve independent claim 1, because *Ward* fails to provide what *Tuckey* lacks.

In view of the foregoing, independent claim 1 is patentable over the combination of *Tuckey* and *Ward*. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are therefore in order, and a notice to that effect is respectfully requested.

In view of the patentability of independent claim 1, dependent claims 2-11 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/
Alfred W. Froebrich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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